

### Remarks

Claims 14, 30-32, 34, 37, 40, 45-51, 54-60 and 67-82 have been cancelled without prejudice to their prosecution in continuing applications.

Claims 1, 15, 28, and 33 have been amended. Claims 1, 9, 11-12, 15, 16, 18-19, 27, 28, 33, 53, and 61-66 are pending.

Claims 28 and 33 were amended to correct typographical errors; in each case, an extra parenthesis was removed. No new matter was added by these amendments.

The status of claim 13 was identified in the response.

#### 1. Rejections based on 35 U.S.C. § 112, 1<sup>st</sup> paragraph

Claims 1, 9, 11-12, 14-16, 18-19, 27-28, 30-34, 37, 40, 45-51, 53-70, 74-81 stand rejected for allegedly lacking enablement. While the Applicants respectfully disagree with this assertion, in order to expedite allowance, the claims have been amended as follows.

In claim 1, W is now limited to phenyl or naphthyl. The  $NR_aR_b$  variable has been deleted. The definition of the variable Q was amended to exclude  $NR_8R_9$ , a non-elected group. The

amendment removing Nr8R9 is made only pursuant to the election and not for reasons related to enablement. Similarly, the limitation of W to phenyl and naphthyl is only made pursuant to the election. No new matter has been added by these amendments.

Claims 14 and 15 have been limited to the elected compounds. No new matter has been added by these amendments.

In the office action, the following is stated, "Heteroaryl or aryl rings cannot support electron withdrawing groups in the ortho position as is claimed. Applicants are not sure which variable(s) and/or which claim(s) this comment is directed towards, and therefore request that the Examiner clarify this rejection or withdraw it.

Additionally, Applicants disagree with the rejection of claims 61-66. Claim 61 is a method claim limited to specific conditions. Claims 62-66 are directed towards methods, i.e., assays, for detecting GABA<sub>A</sub> receptors in cell or tissue samples. One of skill in the art will recognize the utility in such detection assays.

The Applicants respectfully request that the rejections based on 35 U.S.C. § 112, 1st paragraph be withdrawn.

## **2. Rejections based on 35 U.S.C. § 112, 2nd paragraph**

Claims 1, 9, 11-12, 14-16, 18, 19, 27-28, 30-34, 37, 40, 45-51, 53-70 and 74-81 stand rejected under 35 U.S.C. § 112, 2nd

paragraph. The Applicants respond to these rejections as follows.

First, claims 67-70 stand rejected as being use claims. Applicants note that said claims are not use claims but are kit claims, wherein the kit comprises a pharmaceutical composition of the invention in a container, and instructions on how to use the same. However, in order to expedite the allowance of the case, the Applicants have cancelled claims 67-70, and therefore, this rejection is moot.

Second, in claim 1, and throughout the rest of the claims, the phrases "is unsubstituted or substituted with one or more  $R_3$ " or "is unsubstituted or substituted with one or more  $R_4$ " have been rejected as allegedly being indefinite. Applicants respectfully note that since the number of substitutable positions in a ring is finite, one of skill in the art could readily determine what is meant by the rejected phrases, and therefore, they are not indefinite. For example, phenyl has 5 substitutable positions while naphthyl has seven. Similarly, pyridyl has four such positions. These phrases are, therefore, clearly definite.

Based on the above, the Applicants request that the rejections of the claims based on 35 U.S.C. § 112, 2nd paragraph be withdrawn.

Allowance of the claims and passage of the case to issue are respectfully solicited. Should the Examiner believe a

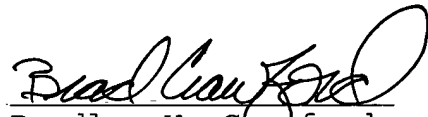
discussion of this matter would be helpful, she is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

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